

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

Senate Engrossed  
**FILED**  
**JANICE K. BREWER**  
**SECRETARY OF STATE**

CHAPTER 162

# **SENATE BILL 1323**

AN ACT

AMENDING TITLE 41, CHAPTER 15, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 41-2086; RELATING TO THE CONTENTS OF ENGINE COOLANT OR ANTIFREEZE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 15, article 3, Arizona Revised Statutes,  
3 is amended by adding section 41-2086, to read:

4 41-2086. Aversive or bittering agent in engine coolant and  
5 antifreeze; liability limitation; exceptions;  
6 violation; classification

7 A. ENGINE COOLANT OR ANTIFREEZE SOLD IN THIS STATE ON OR AFTER JANUARY  
8 1, 2008 THAT IS MANUFACTURED ON OR AFTER SEPTEMBER 1, 2007 AND THAT CONTAINS  
9 MORE THAN TEN PER CENT ETHYLENE GLYCOL SHALL INCLUDE DENATONIUM BENZOATE AT A  
10 MINIMUM OF THIRTY PARTS PER MILLION AND A MAXIMUM OF FIFTY PARTS PER MILLION  
11 AS AN AVERSIVE OR BITTERING AGENT IN THE PRODUCT TO RENDER IT UNPALATABLE. A  
12 MANUFACTURER OR PACKAGER OF ENGINE COOLANT OR ANTIFREEZE SUBJECT TO THIS  
13 SECTION SHALL MAINTAIN A RECORD OF THE TRADE NAME, SCIENTIFIC NAME AND ACTIVE  
14 INGREDIENTS OF THE AVERSIVE OR BITTERING AGENT USED PURSUANT TO THIS SECTION.  
15 A MANUFACTURER OR PACKAGER OF ENGINE COOLANT OR ANTIFREEZE SHALL FURNISH  
16 INFORMATION AND DOCUMENTATION MAINTAINED PURSUANT TO THIS SECTION TO A MEMBER  
17 OF THE PUBLIC ON REQUEST.

18 B. THIS SECTION APPLIES ONLY TO MANUFACTURERS, PACKAGERS,  
19 DISTRIBUTORS, RECYCLERS OR SELLERS OF ENGINE COOLANT OR ANTIFREEZE. FOR  
20 PURPOSES OF THIS SECTION, SELLING DOES NOT INCLUDE THE INSTALLATION OF ENGINE  
21 COOLANT OR ANTIFREEZE FOR COMPENSATION.

22 C. A MANUFACTURER, PACKAGER, DISTRIBUTOR, RECYCLER OR SELLER OF ENGINE  
23 COOLANT OR ANTIFREEZE THAT IS REQUIRED TO CONTAIN AN AVERSIVE OR BITTERING  
24 AGENT PURSUANT TO THIS SECTION IS NOT LIABLE TO ANY PERSON FOR PERSONAL  
25 INJURY, DEATH, PROPERTY DAMAGE, DAMAGE TO THE ENVIRONMENT OR NATURAL  
26 RESOURCES OR ECONOMIC LOSS THAT RESULTS FROM THE INCLUSION OF DENATONIUM  
27 BENZOATE IN ENGINE COOLANT OR ANTIFREEZE.

28 D. THE LIMITATION ON LIABILITY PROVIDED IN SUBSECTION C APPLIES ONLY  
29 IF DENATONIUM BENZOATE IS INCLUDED IN ENGINE COOLANT OR ANTIFREEZE IN THE  
30 CONCENTRATIONS REQUIRED BY THIS SECTION. THE LIMITATION ON LIABILITY  
31 PROVIDED IN SUBSECTION C DOES NOT APPLY TO A PARTICULAR LIABILITY TO THE  
32 EXTENT THAT THE CAUSE OF THAT LIABILITY IS UNRELATED TO THE INCLUSION OF  
33 DENATONIUM BENZOATE IN ENGINE COOLANT OR ANTIFREEZE.

34 E. A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT ESTABLISH OR  
35 CONTINUE IN EFFECT A PROHIBITION, LIMITATION, STANDARD OR OTHER REQUIREMENT  
36 RELATING TO THE INCLUSION OF AN AVERSIVE OR BITTERING AGENT IN ENGINE COOLANT  
37 OR ANTIFREEZE, WITH RESPECT TO RETAIL CONTAINERS CONTAINING LESS THAN  
38 FIFTY-FIVE GALLONS OF ENGINE COOLANT OR ANTIFREEZE, THAT IS DIFFERENT FROM,  
39 OR IN ADDITION TO, THIS SECTION.

40 F. THIS SECTION DOES NOT APPLY TO EITHER:

41 1. THE SALE OF A MOTOR VEHICLE THAT CONTAINS ENGINE COOLANT OR  
42 ANTIFREEZE.

43 2. WHOLESALE CONTAINERS OF ENGINE COOLANT OR ANTIFREEZE CONTAINING  
44 FIFTY-FIVE GALLONS OR MORE OF ENGINE COOLANT OR ANTIFREEZE.

1           G. THE DEPARTMENT MAY INSPECT, INVESTIGATE, ANALYZE AND TAKE  
2 APPROPRIATE ACTIONS TO ADMINISTER AND ENFORCE THIS SECTION.  
3           H. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 3  
4 MISDEMEANOR.

APPROVED BY THE GOVERNOR MAY 1, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2007.